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LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd June, 1962:—

BILL No. 42 OF 1962

A Bill to provide for the establishment of an All India Ayurvedic University under the aegis of the Government of India with a view to resuscitate and encourage the study and growth of the science of Ayurveda in India.

WHEREAS it is expedient to resuscitate and properly develop the Indian science of Ayurveda and encourage and standardise its study and education in a uniform way all over India;

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the All India Ayurvedic University Act, 1962.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
extent and
commence-
ment.

(551)

CHAPTER II

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Acharya" means a teacher of the institutions affiliated to the University. 5

(2) "Adhyaksha" (Principal) means the Head of a College.

(3) "Anukulapati" means the Pro-Chancellor of the University.

(4) "College" means an educational institution where instructions are given in Ayurveda both theoretical and practical for the 10 title and degree Examinations.

(5) "Kulapati" means the Chancellor of the University.

(6) "Motion" means anything moved either by way of resolution or amendment.

(7) "Parishad" (Senate) means the Parishad of the University. 15

(8) "Regulation" means original proposition.

(9) "Rules" mean the Rules of the University.

(10) "Samsad" (Syndicate) means the Samsad of the University. 20

(11) "Sanchalaka" means the Registrar of the University.

(12) "Sikshasamiti" (Faculty) means the Sikshasamiti of the University.

(13) "University" means the All India Ayurvedic University established under this Act. 25

(14) "University College" means a College which is established by the University as making provision for advanced courses in Ayurveda through Sanskrit or modern Indian languages, qualifying students for admission to the titles and degrees of the University according to the Regulations prescribed, and provides for research in Ayurveda. 30

(15) "Upakulapati" means the Vice-Chancellor of the University.

(16) "Vidyalaya" means an educational institution where instructions are given below the standard of a title or Degree.

CHAPTER III

CONSTITUTION, LOCATION, JURISDICTION, FUNCTION AND POWERS OF THE UNIVERSITY

3. The Kulapati (Chancellor), Anukulapati (Pro-Chancellor),
5 Upakulapati (Vice-Chancellor), Parishad (Senate), Samsad
(Syndicate), Sikshasamiti (Faculty), and Pathyasamitis (Boards of
Studies) shall constitute a body corporate by the name of All
India Ayurvedic University which shall have perpetual succession and
a common seal and shall sue and be sued, by that name
- 10 4. The Headquarters of the University shall be located in the
Union Territory of Delhi.
5. The jurisdiction of the University shall extend all over the
Union of India.
6. The University shall have the following functions and powers,
15 namely:—
- (1) to provide for instruction in such branches of Ayurveda
as the University may think fit and to make provision for research
and for the advancement and dissemination of the Ayurvedic
Science;
- 20 (2) to hold examinations and to confer titles, degrees and
other academic distinctions on persons who have passed the
examinations after undergoing courses of studies in the Univer-
sity or any other institution in India affiliated to the University;
- (3) to promote the development of the study of Ayurveda
25 through Sanskrit or any modern Indian language as media of
instruction and examination;
- (4) to confer titles and degrees or other academic distinc-
tions on persons who have carried on research work under the
conditions prescribed by the University;
- 30 (5) to confer honorary titles, degrees or other academic
distinctions on selected persons under conditions prescribed;
- (6) to institute chairs, professorships, readerships, lecturer-
ships or any other teaching or working posts required by the
University;
- 35 (7) to hold exhibitions, manage endowments and to institute
and award fellowships, scholarships, medals and prizes in
accordance with the rules and regulations of the University;

Incorporation.

Headquarters.

Territorial jurisdiction of the University.

Functions and powers of the University.

(8) to maintain schools, colleges, halls, research institutions, laboratories, museums, libraries, dispensaries, rasayanshalas, pharmacies, gardens, herbaria, botanical gardens, sanatoria, gymnasia, play and recreation grounds, guest houses, goshala and dairies, etc. and recognise colleges, vidyalayas, halls, research 5 institutions, hospitals and out-door dispensaries not maintained by the University and to withdraw such recognition;

(9) to fix fees and to demand and receive such fees as may be prescribed;

(10) to supervise the residence and maintain discipline among 10 students of the University and to make arrangements for promoting their health and general welfare;

(11) to make grants from the funds of the University for assistance to students, professors and affiliated institutions for studies in Ayurveda inside or outside the University when con- 15 sidered helpful in the progress of the science of Ayurveda;

(12) to cooperate with other Universities or authorities in such manner and for such purposes as the University may determine; and

(13) to do all such other acts and things whether inci- 20 dental to the purposes and powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body and to cultivate and promote all the branches of the science of Ayurveda.

University
to be open
to all classes,
castes,
creeds and
sexes.

7. The University, subject to the Rules and Regulations, shall be 25 open to persons of all classes, castes, creeds and sexes.

Rights to
inspection.

8. (1) The Kulapati (Chancellor) shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, work-shops, hospitals, out-door dispensaries, equipments and of any insti- 30 tution maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an enquiry to be made in respect of any matter connected with the University by giving notice to the University of his intention to cause such inspection or inquiry to be made and the University shall 35 be entitled to be represented thereat.

(2) The Kulapati (Chancellor) shall communicate the results of such inspection or inquiry to the Parishad (Senate) and to the Samsad (Syndicate) for necessary action,

(3) The Kulapati (Chancellor) may, when action has not been taken by the University within a reasonable time to his satisfaction, issue such directions as he may deem fit and the University shall be bound to comply with such directions.

5 9. The following shall be the Officers of the University:—

Officers of
the Univer-
sity.

- (a) Kulapati (Chancellor);
- (b) Anukulapati (Pro-Chancellor);
- (c) Upakulapati (Vice-Chancellor);
- (d) Sanchalaka (Registrar); and

10 (e) such other Officers as may be declared by the Statutes to be Officers of the University.

10. (1) The President of the Republic of India shall be the Kulapati (Chancellor) of the University.

The
Kulapati
(Chancellor).

15 (2) He shall, by virtue of his office, be the head of the University and shall, when present, preside at the Convocation of the University convened for the purpose of conferring titles, degrees and for other purposes.

20 (3) The Kulapati (Chancellor) shall exercise such other powers and perform such other duties as may be conferred on him by the University.

(4) Every proposal for the conferment of an honorary title or degree shall be subject to the confirmation of the Kulapati (Chancellor).

25 (5) The Kulapati (Chancellor) shall finally decide any dispute with regard to the election of any person to be a fellow of the Parishad (Senate), or a member of the Samsad (Syndicate) or a member of other University Bodies.

30 (6) The Kulapati (Chancellor) may, by order in writing, annul any proceeding of the University, which is not in conformity with the Rules, Regulations or Statutes; provided that before making any such order he shall call upon the University to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

35 11. (1) The Anukulapati (Pro-Chancellor) shall be nominated by the Chancellor on the recommendations of the Samsad (Syndicate) and shall hold office for a period of five years.

Anukulapati
(Pro-
Chancellor)

40 (2) He shall, by virtue of his office, be a member and shall be Chairman of the Parishad (Senate) and shall preside at the meetings of the Parishad (Senate) and shall also preside at the Convocation in case the Chancellor happens to be absent.

(3) He shall have power to convene meetings of the Parishad (Senate).

The Upkulapati (Vice-Chancellor).

12. (1) The Upakulapati (Vice-Chancellor) shall be elected by the Senate from among its members or outside.

(2) He shall hold office for a period of five years and shall be eligible for re-election.

(3) He shall be a whole-time paid officer.

(4) He shall be the principal executive officer of the University and shall exercise general control over its affairs.

(5) He shall, by virtue of his office, be a member of the Parishad (Senate) and member and Chairman of the Samsad (Syndicate) and the Sikshasamiti (Faculty) and shall preside at the meetings of the Samsad (Syndicate) and Sikshasamiti (Faculty) and the Parishad (Senate) in case the Anukulapati (Pro-Chancellor) happens to be absent, and shall also in the absence of Kulapati (Chancellor) and Anukulapati (Pro-Chancellor) preside at the Convocations.

(6) The Upakulapati (Vice-Chancellor) shall have right of appointing such officers of the University as may be provided and shall have control over every servant of the University.

(7) The Upakulapati (Vice-Chancellor) shall have the power to visit and inspect the institutions of the University.

(8) It shall be his duty to see that the Rules, Regulations, Statutes, Ordinances are duly observed and shall exercise all powers necessary for this purpose.

(9) He shall give effect to the orders of the Samsad (Syndicate) regarding the appointment, suspension and dismissal of the teachers and servants of the University.

(10) In the absence of the Upakulapati (Vice-Chancellor), his duties shall be performed in such manner as the Samsad (Syndicate) may, subject to the approval of the Kulapati (Chancellor), direct.

The Sanchalaka (Registrar).

13. (1) The Sanchalaka (Registrar) shall be a whole-time paid officer of the University appointed by the Parishad (Senate) on the recommendation of the Samsad (Syndicate).

(2) He shall be appointed for 5 years and shall be eligible for re-appointment.

(3) He shall act as the Secretary of the Samsad (Syndicate), Parishad (Senate) and Sikshasamiti (Faculty) and shall exercise such powers and perform such duties as may be prescribed.

14. The following shall be the authorities of the University:--

Authorities
of the
University.

1. Parishad (Senate);

2. Samsad (Syndicate);

3. Sikshasamiti (Faculty);

5 4. Pathyasamitis (Boards of Studies); and

5. Such other authorities as may be declared to be the
authorities of the University.

15. The Parishad (Senate) shall consist of the following persons, The
namely: Parishad
(Senate).

10 *CLASS (I)—EX-OFFICIO MEMBERS*

(a) (i) The Kulapati (Chancellor);

(ii) The Anukulapati (Pro-Chancellor);

(iii) The Upakulapati (Vice-Chancellor);

(iv) The Principals of the affiliated colleges;

15 (v) The members of the Samsad who are not otherwise
members of the Parishad;

(vi) The Heads of Hospitals and Research Institutes.

CLASS (II)—LIFE MEMBERS

(b) (i) All persons who make a donation of not less than twenty-
20 five thousand rupees to or for the purposes of the University shall
be the members of the Parishad (Senate) throughout their respec-
tive lives.

(ii) Three members appointed, on the recommendations of the
Samsad (Syndicate), by the Parishad (Senate) to be life members
25 on the ground that they have rendered eminent service to the
Ayurvedic Science.

CLASS (III)—ELECTED MEMBERS

(c) (i) Fifteen teachers (Acharyas) of the institutions affiliated
to the University to be elected by the registered graduate teachers
30 of the University;

(ii) Twenty persons to be elected from and by the registered
graduates who are not teachers.

(iii) Three representatives of the Government of India to be nomi-
nated by the Kulapati (Chancellor).

(iv) Three representatives of the Lok Sabha and two representatives of the Rajya Sabha to be elected by the members of Lok Sabha and Rajya Sabha respectively.

(v) Five representatives of the All India Ayurvedic Congress to be elected by the Governing Council of the said Congress. 5

(vi) Two members to be elected by the Sikshasamiti (Faculty) out of its members.

(vii) One representative of the Delhi University to be elected by the Senate of the said University.

(d) Five persons elected members of the Parishad (Senate) who shall hold office only for five years, but shall be eligible for re-election. 10

(e) A person nominated or elected in his capacity as a member of a particular body or holder of a particular appointment shall cease to be a member of the Parishad (Senate) if he ceases to be a member of that particular body or the holder of that appointment, as the case may be. 15

**Functions
of the
Parishad
(Senate).**

16. (1) The Parishad (Senate) shall be the supreme body of the University and shall have the power to review the actions of the Samsad (Syndicate) and Sikshasamiti (Faculty) and shall exercise control over the Samsad (Syndicate) in its management of the funds, concerns, property and affairs of the University. It shall also exercise all the powers of the University otherwise provided for herein. 20

(2) In particular and without prejudice to the generality of the foregoing power, it shall have powers:

(i) to make statutes and to amend or repeal the same and to consider, modify or cancel Regulations and Ordinances; 25

(ii) to provide for instructions and training in such branches of the Science of Ayurveda as it thinks fit;

(iii) to open, maintain and manage or recognise and control colleges; 30

(iv) to provide for research and advancement and dissemination of the Science of Ayurveda;

(v) to institute Chairs, Professorships, Lecturerships and other teaching posts required by the University;

(vi) to establish, equip and maintain University Laboratories and Libraries, 35

(vii) to establish, equip and maintain indoor and outdoor hospitals and dispensaries;

5 (viii) to affiliate colleges under conditions to be prescribed in this behalf and to withdraw affiliation from colleges after consultation with the Sikshasamiti (Faculty);

(ix) to confer titles, degrees and other academic distinctions on persons who—

10 (a) have pursued an approved course of Study in an affiliated college and shall have passed the prescribed examinations of the University; or

(b) have carried on research under conditions prescribed;

(x) to confer honorary Titles and Degrees or other distinctions on approved persons in the manner prescribed;

15 (xi) to institute fellowships, travelling fellowships, scholarships, exhibitions, honours, medals and prizes;

(xii) to establish, maintain and manage hostels;

(xiii) to recognise hostels not maintained by the University and to withdraw recognition therefrom;

20 (xiv) to supervise and control the residence and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(xv) to prescribe the fees to be charged for the affiliation of schools and colleges for admission to the examinations of degrees, titles and diplomas of the University and for registration of 25 graduates;

(xvi) to consider and pass resolutions on the Annual Report, the Annual Accounts and the Financial Estimates of the University;

30 (xvii) to enter into any agreement with the Government or with a private management for assuming the management of any institution and taking over its properties and liabilities or for any other purpose not repugnant to the provisions of the University;

(xviii) to co-operate with other Universities and authorities which have Ayurveda in their curricula for such purposes and in such manner as it determines;

35 (xix) to exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of the University;

(xx) to fix the emoluments of the Upakulapati (Vice-Chancellor), the Sanchalaka (Registrar) and teachers of the University;

(xxi) to consider, approve or alter Regulations passed by the Sikshasamiti (Faculty);

(xxii) to collect the manuscripts in Ayurveda and publish them; 5

(xxiii) to publish the text books on Ayurveda as per requirement.

Meetings
of the
Parishad
(Senate).

17. (a) There shall be at least two ordinary meetings of the Parishad (Senate) in a year; one of which shall be called the Annual meeting; 10

(b) the Parishad (Senate) may also meet at such other times as it or the Anukulapati (Pro-Chancellor) may from time to time determine;

(c) upon a requisition in writing signed by not less than 15 members of the Parishad (Senate), the Anukulapati (Pro-Chancellor) 15 shall convene a meeting of the Parishad (Senate);

(d) fifteen members shall form the quorum for a meeting of the Parishad (Senate);

(e) in the absence of the Anukulapati (Pro-Chancellor) and Upakulapati (Vice-Chancellor) from a meeting of the Parishad 20 (Senate) the members present at the meeting shall choose one member from amongst themselves to preside thereat.

Samsad
(Syndicate).

18. The Samsad (Syndicate) shall, in addition to the Upakulapati (Vice-Chancellor), consist of the following persons, namely,—

(1) Three members elected by the Parishad (Senate), 25

(2) Two members elected by the Sikshasamiti (Faculty),

(3) Principal of the University College,

(4) One Principal, elected by the Parishad (Senate),

(5) One member of the Parliament elected by the Parishad (Senate), 30

(6) Two representatives of the All India Ayurvedic Congress elected by the Governing Council of the said Congress from amongst its five representative members on the Parishad (Senate).

19. The first Samsad (Syndicate) shall be nominated by the Kulapati (Chancellor) on the recommendation of the Government of India till the new Samsad (Syndicate) is constituted in accordance with the provisions of this Act.

The first
Samsad
(Syndicate).

5 20. A person nominated or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall cease to be a member of the Samsad (Syndicate) if he ceases to be a member of that body or the holder of that appointment, as the case may be.

Cancellation
of member-
ship of
Samsad
(Syndicate).

10 21. The Samsad (Syndicate)—

Functions of
the Samsad
(Syndicate).

(a) shall give directions as to the form, custody and use of the Common Seal of the University;

(b) shall hold, control and administer the property and funds of the University;

15 (c) shall appoint the teachers of the University, fix their emoluments and define their duties and conditions of their service;

(d) shall appoint the servants of the University, fix their emoluments and define their duties and conditions of their service;

20 (e) shall have power to suspend or dismiss servants of the University;

(f) shall award prizes, medals, scholarships in accordance with the rules laid down by the Parishad;

25 (g) shall appoint examiners in consultation with the Pathya-samitis (Boards of Studies) and fix their fees;

(h) shall, subject to the provisions of the Rules and Regulations of the University, arrange for and direct the inspection of all affiliated institutions and hostels;

30 (i) shall conduct the University Examinations and publish the results thereof;

(j) shall have power to accept on behalf of the University endowments, bequests, donations and other transfers of properties made to it and, all such endowments, bequests, donations and transfers of properties shall be reported to the Parishad (Senate) at its next meeting;

(k) shall regulate and determine all matters concerning the University and exercise such other powers and perform such other duties as may be imposed by the Statutes and Ordinances;

40 (l) shall administer all funds placed at the disposal of the University for specific purposes;

- (m) shall charge and collect such fees as may be prescribed;
- (n) shall appoint the members of the Board of Studies; and
- (o) shall appoint the staff of the libraries and shall maintain indoor and outdoor hospitals, dispensaries, pharmacies, rasayan-shalas, research laboratories, gardens, herbaria, botanical gardens, museums, gymnasia, play and recreational grounds, goshalas and dairies, etc.

**Annual
Report.**

22. The Samsad shall prepare an annual report of the University and submit it to the Parishad (Senate) on or before such date as may be prescribed by the Statutes. The report shall be considered ¹⁰ by the Parishad (Senate) at its next Annual Meeting. The Parishad (Senate) may pass resolutions thereon and communicate the same to the Samsad (Syndicate) which shall take action in accordance therewith. The Samsad shall inform the Parishad of the action taken by it. A copy of the Report with a copy of the resolution ¹⁵ thereon, if any, of the Parishad (Senate) shall be submitted to the Chancellor for information.

**Annual
Accounts.**

23. (1) The Samsad (Syndicate) shall prepare the annual accounts of the University and submit them to such audit as the Parishad (Senate) may direct. The accounts when audited shall be ²⁰ published in the Gazette of University and copies thereof together with the copies of the Audit Report, shall be submitted to the Parishad (Senate) and the Government of India.

(2) The Samsad (Syndicate) shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for ²⁵ ensuing year and submit the same to the Parishad (Senate).

(3) The annual accounts and the financial estimates shall be considered by the Parishad (Senate) at its annual meeting and the Parishad (Senate) may pass resolutions with references thereto and communicate the same to the Samsad which shall take action in ³⁰ accordance therewith.

**Tenure of
office of
members.**

24. The members other than *ex-officio* members shall hold office for five years and shall be eligible for re-election or re-nomination as the case may be.

**The Siksha-
samiti
(Faculty).**

25. The Sikshasamiti (Faculty) in addition to the Upakulapati ³⁵ (Vice-Chancellor) shall consist of the following persons, namely:—

- (1) All the Chairmen of Pathyasamitis (Boards of Studies)
- (2) The Principals of the colleges
- (3) The Head of the Research Department
- (4) The Heads of the Hospitals.

26. (1) The Sikshasamiti (Faculty), subject to the rules of the University, shall have the power to prescribe all Courses of Studies and to determine Curricula and shall have general control over the teaching in the University and shall be responsible for maintenance of the standard thereof.

Powers of
Sikshasamiti
(Faculty).

(2) It shall have power to make Regulations relating to all matters which may be provided by the Statutes or Ordinances.

27. Without prejudice to the generality of the foregoing provision it shall have power:—

Functions of
the Siksha-
samiti
(Faculty).

10 (a) to advise the Parishad (Senate) and Samsad (Syndicate) on all academic matters;

(b) to formulate, modify or revise schemes for the working of departments of teaching;

15 (c) to make proposals to the Parishad (Senate) for the institution of chairs, professorships, lecturerships or other teaching posts and in regard to the duties and emoluments thereof;

(d) to make recommendations to the Samsad (Syndicate) for recognition of teachers qualified to give instructions in affiliated institutions and hostels;

20 (e) to call for reports from the persons engaged in research and to make recommendations to Samsad (Syndicate) thereon;

(f) to control and manage the University Library or Libraries, to frame rules regarding it or their use;

25 (g) to make regulations regarding the admission of students to the University or to prescribe examinations to be recognised, with the previous sanction of the Parishad (Senate), as equivalent to the University examinations;

30 (h) to make regulations relating to courses, examinations and the condition on which students shall be admitted to examinations for the titles or degrees of the University;

(i) to make regulations relating to the use of Sanskrit or modern Indian languages as media of instructions and examinations;

35 (j) to make rules and regulations for maintaining the indoor or outdoor hospitals and dispensaries; and

(k) to decide the conditions under which exemptions relating to the admission of students to examinations may be given.

Pathyasamiti
(Board of
Studies).

28. There shall be a Pathyasamiti (Board of Studies) for each of the following subjects consisting of ten members each, to be appointed by the Samsad (Syndicate):—

1. Ayurveda
2. Sanskrit
3. Modern Indian Languages
4. Allied subjects.

5

Functions
of the
Pathyasamiti
(Board of
Studies).

29. The functions of the Boards of Studies shall be prescribed by the Statutes.

Proceedings
not to be
invalidated.

30. No proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any casual vacancy or vacancies among its members, save as hereinbefore provided.

Appoint-
ment of
officers.

31. The Officers of the University shall be appointed by the Chancellor after considering the recommendations of the Samsad (Syndicate) and Parishad (Senate).

Audit of
accounts.

32. The accounts of the University shall, once at least in every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Parishad (Senate) and a copy of the accounts together with the auditors' report, shall be published in the University Gazette.

Statutes.

33. (1) The first Statutes shall be framed by the Central Government.

(2) The Parishad (Senate) may, from time to time, make a new or additional Statute or may amend or repeal the Statutes.

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(3) The Samsad (Syndicate) may, from time to time, lay before the Parishad (Senate) any proposals for new Statutes or for the amendment or repeal of any of the existing Statutes and it shall be the duty of the Parishad (Senate) to duly consider all such proposals.

(4) Every new Statute or addition to the Statutes or amendment to or repeal of the Statutes, shall be submitted to the Kulapati (Chancellor) who may allow it or refer it back to the Parishad (Senate) for reconsideration with an expression of his opinion and when it is so submitted the Parishad (Senate) shall consider it accordingly and if it is again passed by it, with or without amendment, it shall be submitted again to the Kulapati (Chancellor) for consideration who may then allow or disallow it as he thinks fit.

5

(5) No Statute or addition to or amendment or repeal of the existing Statutes made by the Parishad (Senate) shall have validity until allowed by the Kulapati (Chancellor).

34. Regulations shall be made by the Shikshasamiti (Faculty) ^{Regulations.}
5 regarding the academic purposes and every regulation made by the Shikshasamiti (Faculty) shall be submitted to the Parishad (Senate) for its consideration and approval in its next meeting. The Parishad (Senate) shall have power to cancel or modify any such Regulation. No Regulation shall have any validity until approved by the Parishad (Senate).
10

35. The University shall have a fund to which shall be credited: ^{Fund of the University.}
(i) its income from fees, endowments and grants, if any, and (ii) contributions which may be made by the persons on such conditions as it may impose towards the development of laboratories, libraries,
15 museums and workshops and the salaries of such teachers of the University as are appointed for research and for the advancement and dissemination of the knowledge of Ayurveda.

36. (i) The University shall have a Fund called the Foundation ^{Foundation Fund.}
Fund.

20 (ii) The Foundation Fund shall consist of:—

(a) the sums which shall be given to it by the Government of India, or State Governments;

(b) any contribution to this Fund which may be made by the Central and State Governments, any local or other public
25 body or others and any contribution to this Fund which may be made by the University.

(iii) The Foundation Fund shall be invested and be kept invested in securities issued or guaranteed by the Government and such investments shall not be varied without the consent of the Kulapati
30 (Chancellor). The corpus of the Foundation Fund shall be kept intact but the interest thereon may be utilised for the purposes of the University.

37. The University shall have such other funds and maintain ^{Other Funds} such accounts as the Parishad (Senate) may determine.

38. If any difficulty arises in giving effect to the provisions of this ^{Power to remove difficulties.}
Act, the Kulapati (Chancellor) may, as occasion requires, by order do anything which appears to him necessary or expedient for the purposes of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

Ayurveda is an ancient medical science and plays an important part in rendering medical aid and in maintaining the public health throughout the whole of the Indian Union. About three fourths of the population of India entirely depend on the Ayurvedic treatment so far as their health is concerned. But Ayurvedic education varies from State to State. Some of the Indian Universities have included Ayurveda in their curricula but many others have not thought it fit to do so. In some States, Ayurvedic Boards or Associations appointed by the Government are conducting the examination while in others private institutions are doing the same. Almost all the Ayurvedic institutions are not well staffed, well equipped and are lacking in imparting practical training in its eight branches. There is no uniformity in its education throughout the country and due to lack of uniformity in its education and due to want of standardisation of its medicines, it does not flourish well in spite of the encouragement from the Central and the State Governments.

It is, therefore, proposed to establish a Central All India University of Ayurveda under the aegis of the Government of India. Hence this Bill.

NEW DELHI;

A. T. SARMA.

The 17th April, 1962.

FINANCIAL MEMORANDUM

On the enactment of this Bill, the immediate requirement of the Ayurvedic University will be buildings to house the University and colleges, quarters for staff and hostel for students and books, apparatuses and other necessary equipments required therefor. A statement showing non-recurring and recurring expenditure is shown below. The recurring expenditure will, however, be met by the funds of the University and Foundation Funds as stated in clauses 35 and 36 of the Bill. But to start with, the non-recurring expenditure shall have to be met by the contributions from the Government as shown in the Statement below. It is expected that with the above aid from the Government the University will be in a position to carry on efficiently for a considerable time till it is dependent on its own resources.

No specific reference to the grants proposed to be paid by the Central Government has been made in the draft Bill.

STATEMENT

A. NON-RECURRING		Rs.
Contribution to the University Fund		50,00,000
Furniture and Fixtures		30,000
Books		20,000
Other Equipments		50,000
Buildings approximate including staff quarters		1,00,00,000
		<hr/> 1,51,00,000 <hr/>
B. RECURRING		Rs.
Pay of the Vice-Chancellor @ Rs. 2,000 per mensem		24,000
Pay of the Registrar @ Rs. 800 p.m.		9,600
Pay of the Manager @ Rs. 500 p.m.		6,000
Pay of the Accountant @ Rs. 400 p.m.		4,800
Pay of the 3 Senior Clerks @ Rs. 200 p.m. each		7,200
Pay of 2 Stenographers @ Rs. 200 p.m. each		4,800
Pay of 7 Junior Clerks @ Rs. 150 p.m. each		12,600
Pay of 15 peons @ 100 p.m. each		18,000
Pay of 10 servants @ 75 p.m. each		9,000
Pay of Librarian @ 250 p.m.		3,000
Pay of the Cashier @ 150 p.m.		1,800
Total establishment charges		<hr/> 1,00,800 <hr/>
Contingencies		20,000
Travelling Allowance		20,000
Remuneration		15,000
Other charges		10,000
Books for Library		10,000
Total		<hr/> 1,75,800 <hr/>

BILL NO. 53 OF 1962

A Bill further to amend the Insurance Act, 1938.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title
and com-
mencement

1. (1) This Act may be called the Insurance (Amendment) Act, 1962.

(2) It shall come into force at once.

5

Amendment
of section
31A.

2. In sub-section (1) of section 31A of the Insurance Act, 1938 (hereinafter referred to as the principal Act), in item (vii) of the proviso to clause (c), the following words shall be omitted, namely:—

4 of 1938.

“such bonus, in the case of any employee, not exceeding in amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case.”

10

Amendment
of section
40C.

3. In section 40C of the principal Act, in sub-section (1), the following words shall be added at the end, namely:—

15

“as well as the liability of the insurer to pay remuneration including, bonus, amounting to living wage, to his workmen, as defined by the Industrial Disputes Act, 1947.”

14 of 1947.

STATEMENT OF OBJECTS AND REASONS

The effect of the judgment of the Supreme Court of India on Civil Appeal No. 531 of 1959 between the Hercules Insurance Co. Ltd. and its workmen, is to deprive the employees of General Insurance Companies of the rights conferred on them by the Industrial Disputes Act, 1947, in respect of raising a trade dispute on the issue of Bonus before a judicial body.

The purpose of the present Bill is to remove this anomaly by amending the Insurance Act, 1938, in the light of the Supreme Court judgment.

NEW DELHI;

INDRAJIT GUPTA.

Dated 30th April, 1962.

BILL NO. 54 OF 1962

A Bill to provide for the regulation of employment and work in the factories manufacturing Beedi and Cigar in India.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
extent and
commence-
ment.

1. (1) This Act may be called the Beedi and Cigar Labour Act, 1962. 5

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,— 10

(a) 'adolescent' means a person who has completed his fifteenth year but has not completed his eighteenth year of age;

(b) 'adult' means a person who has completed his eighteenth year of age;

(c) 'child' means a person who has not completed his fifteenth year of age;

5 (d) 'factory' means any premises including precincts thereof where ten or more persons are working or were working on any day of the preceding twelve months and in any part of which the rolling of Beedi or Cigar or any other manufacturing process connected with it is being carried on;

(e) 'prescribed' means prescribed by rules made by the State Government under this Act;

10 (f) 'qualified medical practitioner' means a person who is recognised as such by the Central or State Governments;

(g) 'self-employed worker' means any person who takes a licence for rolling Beedis or Cigars himself without engaging any hired labour;

15 (h) 'wages' means all remuneration capable of being expressed in terms of money which would, if the terms of contracts of employment, expressed or implied, were fulfilled, be payable to a person and includes gratuity and retirement benefits payable to a worker at the time of discharge, dismissal or retirement from the service of the employers;

20

(i) 'week' means a period of seven days beginning at midnight on Saturday; and

25 (j) 'workman' means any person employed to do any manufacturing process concerned with Beedi or Cigar industry for hire or reward and includes a person employed by a contractor, agent or manager to work for the principal employer in whose name the trade mark of the product is registered under the Trade Marks Act, 1940.

5 of 1940.

CHAPTER II

30 INSPECTING STAFF

3. The Chief Inspector of Factories, all factory-inspectors, Chair-Inspectors, men and Members of the Local Boards, Municipalities and Panchayats shall be qualified persons to be Inspectors of Beedi and Cigar factories within the State. All Inspectors shall be subordinate to
35 the Chief Inspector of Factories of the State concerned.

Powers and
Functions of
Inspectors.

4. (1) Subject to any rules made by the State Government in this behalf, any inspector may:—

(a) make such examinations and enquiry to ascertain whether the provisions of the Act and the Rules made thereunder are being observed in the factory; 5

(b) examine any record or books maintained by the factory; and

(c) exercise such other powers as may be prescribed.

(2) The Inspector shall inform the Secretary or Secretaries of the Labour Union or Unions of the concerned industry or factory before 10 he inspects any factory or factories and the Secretary or Secretaries of such Union or Unions shall have the right to accompany the Inspector during his inspection and make any representation which may be deemed necessary.

Facilities
to be accorded to
Inspectors.

5. Every employer shall afford all reasonable facilities to the 15 Inspector for entering into the premises of the factory and for inspection or enquiry under this Act.

CHAPTER III

LIMITATIONS ON EMPLOYMENT, WORKING HOURS, LEAVE, ETC.

Hours and
limitations
of employ-
ment.

6. (1) No adult worker shall be required to work in a Beedi or 20 Cigar factory for more than forty-eight hours in a week or more than nine hours on any day.

(2) No adolescent shall be required to work in any Beedi or Cigar factory for more than forty-two hours a week or eight hours on any day. 25

Prohibition
of employ-
ment of
young children.

7. No child who has not completed his fourteenth year shall be required or allowed to work in any Beedi or Cigar factory.

Certificate
of fitness.

8. (1) A certifying surgeon shall grant the certificate of fitness for any child or adolescent after examining his fitness for work.

(2) The certificate of fitness granted under this section shall be 30 granted for a period of one year, but may be renewed.

Hours of
work for
child.

9. No child shall be employed or permitted to work in any Beedi or Cigar factory for more than four and a half hours on any day.

10. The State Government may make rules to provide for:—

Weekly holidays, compensatory leave and overtime wages.

(a) a day of rest after every period of six days for all workers;

(b) provide for wages for such weekly holidays; and

5 (c) provide for overtime wages or a compensatory day off in lieu of work done on any day of rest.

11. The period of work on each day shall be so fixed that inclusive of interval of rest it shall not spread over more than ten hours including the time spent on waiting for the work on any day. Daily intervals of work.

10 12. There shall be displayed and correctly maintained in every factory a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the worker may be required to work. Notice of period of work.

13. Every worker shall be allowed leave with wages for a number of days calculated at the rate of:— Annual leave with wages.

15 (a) if an adult, one day for every twenty days of work done by him; and

(b) if a child or adolescent, one day for every fifteen days of work done by him.

20 14. Every worker shall be allowed ten days festival and national holidays with wages which shall include besides other holidays, Independence Day, Republic Day, Gandhi Jayanti and May Day. Festival and national holidays.

CHAPTER IV

FACTORIES FOR WOMEN WORKERS

25 15. In case where large number of women workers are employed, separate factories shall be established or set up for such women workers. Factory for women workers.

16. No employer shall engage any woman worker for any outdoor work connected with the manufacture of Beedis or Cigars. Out-door work.

CHAPTER V

HEALTH

30 17. (1) The State Government may appoint qualified medical practitioners to be the certifying surgeons for the purposes of this Act. Certifying Surgeons.

(2) The certifying surgeon shall carry out such duties as may be prescribed in connection with—

(a) the examination and certification of workers;

(b) the exercise of such medical supervision as may be prescribed when adolescents and children are or are to be employed on any work in a Beedi or Cigar factory which is likely to cause injury to their health. 5

Drinking
Water.

18. In every factory, effective arrangements shall be made by the employer to provide and maintain a sufficient supply of wholesome drinking water for the workers. 10

Conser-
vancy.

19. There shall be provided in every factory sufficient number of latrines and urinals accessible to workers employed therein.

Medical
facilities.

20. In all factories employing more than fifty workers, there shall be a visiting doctor who shall examine the workers at least once in six months. 15

Sickness and
Maternity
benefits.

21. Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer—

(a) in the case of a sickness certified by a qualified medical practitioner sickness allowance of seventy-five naye paise per day subject to the maximum period of one month; and 20

(b) if a woman, in case of confinement or expected confinement, maternity allowance at such rates, for such period and for such intervals as may be prescribed.

CHAPTER VI

WELFARE

25

Canteens.

22. The State Government may make rules requiring that in every factory wherein fifty workers or more are employed, one or more canteens shall be provided.

Recreational
facilities.

23. The State Government may make rules requiring every employer to make available such recreational facilities for the workers and children employed therein as may be prescribed. 30

CHAPTER VII

RETIREMENT AND OTHER BENEFITS

Guaranteed
employ-
ment.

24. (1) Every employer of a Beedi or Cigar factory shall guarantee full work for at least 280 days in a year to workmen working under him. 35

(2) In case, the employer is not able to give full work to any worker, he shall compensate him—

(a) by paying him the average daily rate of wages calculated on the basis of one month's wages; and

5 (b) in case of no work on any day, by paying the workman at least rupee one a day.

25. Whenever any workman who has put in service of one year or more is retrenched, discharged, dismissed or retired, he shall be given benefits at the rate of fifteen days wages for every year of 10 service put in by him. Retirement, retrenchment and gratuity benefits.

CHAPTER VIII

PENALTIES AND PROCEDURE

26. Whoever obstructs any Inspector from the discharge of his duties, or refuses to produce any book, document or register for 15 inspection, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to rupees fifty or with both. Obstruction.

27. Any self-employed worker who sells or otherwise disposes of his produce of Beedi or Cigar to any factory owner, dealer or merchant in Beedi or Cigar having tobacco licence or trade mark of any 20 particular brand of Beedi or Cigar, shall forfeit his licence for rolling Beedi or Cigar and shall be punishable with fine which may extend to rupees one hundred. Sale of rolled beedis by self-employed workers.

28. In case a factory owner, merchant, dealer or principal 25 employer in whose name any Beedi or Cigar trade mark is registered or his agent buys Beedi or Cigar from any self-employed worker, he shall be punishable with imprisonment for six months, or with a fine of rupees one thousand, or with both. Purchase of Beedi by the principal employer or Trade Mark holder.

29. (1) Every Second or Third Class Magistrate shall have powers 30 to try any offence punishable under this Act. Trying authority.

(2) The Inspector of Factories shall be the authorised person to lodge any complaint under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Beedi and Cigar industries are among the worst sweated industries in India. Low wages, insecurity of employment, partial employment, employment of children, high incidence of T.B., absence of protective labour legislation, out-door work and branch system, all these demand introduction of an immediate legislation with a view to regulating the above industries on factory basis and securing the workers certain minimum conditions of work. The Rege Labour Consultative Committee Report as far back as 1946 has stressed the importance of such a legislation.

This Bill seeks to put the Beedi and Cigar industry on a factory basis while still protecting the self-employed worker.

This Bill also seeks to assure the workers the benefits of protective labour legislation available to large sections of industrial workers.

Some of the States have already passed legislation on these lines, but in the absence of legislation in the neighbouring States, some of the owners are closing down their factories and transferring them to States where legislation does not exist. The passing of an all-India legislation will prevent this malpractice.

NEW DELHI;
The 11th May, 1962.

A. K. GOPALAN.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill seeks to empower the State Governments to frame rules in regard to the following matters:—

Clause 4—method of inspection by Inspectors of the Beedi and Cigar factories.

Clause 10—weekly holidays, compensatory leave and over-time wages to workers.

Clause 17—duties to be performed by certifying surgeons.

Clause 21—entitlement of sickness allowance to workers and maternity allowance to women workers.

Clauses 22 and 23—provision for canteens and recreational facilities for workers and children.

The delegation of powers is of a normal type and purely routine in character.

BILL No. 47 OF 1962

A Bill to impose certain restrictions on the use of edible oils for the manufacture of soap in India.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Restrictions on Edible Oils (for Manufacture of Soap) Act, 1962.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force from the commencement of the financial year following its enactment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “edible oils” includes all kinds of non-essential vegetable oils used for human consumption as food or otherwise which are at present being used in the manufacture of soap; and

(b) “soap” includes all varieties of soaps used for washing and toilet purposes.

Restriction
on oil con-
tent of soap.

3. No soap shall be manufactured in this country which contains edible oils beyond 98 per cent. of its oil content for the first two years of the commencement of the Act and thereafter one per cent less annually till the proportion goes down to 90 per cent. of oil content.

4. Whoever manufactures soap in contravention of the provisions Penalty.
of this Act shall be punishable with a fine of fifty naye paise per
pound of soap thus manufactured;

Provided that nothing contained in this section shall render a
5 person punishable with fine if he proves the non-availability of non-
edible oils at an economic price in the country.

STATEMENT OF OBJECTS AND REASONS

There has been a chronic shortage of edible oils in this country for purposes of human consumption. It is, therefore, necessary to progressively discourage its use in the manufacture of soap where it is being used in a very large quantity. The Bill is intended to achieve this object.

NEW DELHI;

DIWAN CHAND SHARMA.

The 14th May, 1962.

BILL NO. 50 OF 1962

A Bill to provide for co-ordination of the various transport systems in the country and for matters connected therewith.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:

1. (1) This Act may be called the Transport Co-ordination Act, 1962. Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India.

(3) It shall come into force at once.

2. 'Transport' in this Act means transport by rail, road, water or air whether owned and managed by the State or by private undertakings. Definition.

10 3. The Central Government shall so regulate the fares, freights and travel facilities of the transport systems as to eliminate competition amongst them and leave the users free choice in the selection thereof. Regulation
of transport
systems.

15 4. (1) The Central Government shall lay down rules for carrying out the provisions of the foregoing section. Power to
make Rules.

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

5

Penalty for
contraven-
tion of
Rules.

5. Whoever contravenes the provisions of this Act shall be liable to such penalty as may be prescribed by the rules.

STATEMENT OF OBJECTS AND REASONS

It appears that the various forms of transport of goods and passengers in the country have been developing a spirit of competition amongst themselves and this is likely to affect the interest of the nation rather adversely. It is, therefore, necessary to make suitable provision for co-ordination amongst them with a view to bringing about the highest efficiency and also giving to the users absolute freedom in the choice thereof. The Bill is conceived to achieve this objective.

NEW DELHI;

DIWAN CHAND SHARMA.

The 14th May, 1962.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under clause 3 of the Bill the Central Government is empowered to lay down rules for effecting co-ordination between the various forms of transport with a view to avoid competition. This is a task which the Government only is in a position to do after considering the state of things obtaining on far flung transport systems of this big country. The penalty to be prescribed by these rules shall naturally be in accordance with the nature and gravity of the offence committed.

The rule-making power under the Act is, but for the power of prescribing penalty for contravention thereof, generally speaking of a normal character. In the very nature of things the question of the quantum of penalty has to be left to the Government. In view of the provision for modification of the rules by Parliament there is hardly any reason for apprehension of misuse of the power.

BILL No. 48 OF 1962

A Bill to provide for fixation of price labels on commodities by shopkeepers.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:

1. (1) This Act may be called the Shopkeepers (Fixation of Price Labels) Act, 1962. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. (1) It shall be unlawful for any person, shopkeeper or vendor to sell, agree to sell or offer to sell any goods, in course of any business, to which no price label is attached bearing the seal of the Government of India. Fixation of Price Labels on commodities for sale.

(2) Any such person, shopkeeper or vendor shall maintain a latest printed price list of all commodities duly authenticated by the Central Government from time to time.

(3) The price indicated on the price label attached to the goods shall be the same as specified in the printed price list mentioned in sub-section (2) of this section.

3. Any person, shopkeeper or vendor who contravenes any of the provisions contained in section 2 of this Act, shall be punished with imprisonment for a term not exceeding 2 years or with fine exceeding one thousand rupees or with both. Penalty for not affixing the price labels.

STATEMENT OF OBJECTS AND REASONS

The Bill is intended to establish the practice of fixing price labels on all commodities and goods exposed for sale by any person, shopkeeper or vendor so as to stop the practice of bargaining in prices which shopkeepers resort to to the detriment of the customers. The Bill, therefore, provides for a speedy remedy against this prevalent social evil.

NEW DELHI;
The 17th May, 1962.

J. B. S. BIST.

BILL No. 63 OF 1962

A Bill further to amend the Legal Practitioners Act, 1879.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Legal Practitioners (Amendment) Act, 1962. Short title and commencement.

(2) It shall come into force at once.

2. In section 14 of the Legal Practitioners Act, 1879, (hereinafter referred to as the principal Act),— Amendment of section 14

(1) after paragraph 3, the following new paragraph shall be inserted, namely:—

13 of 1879. “If the charge fails and the pleader or mukhtar is acquitted, the court shall grant him the costs of the proceedings.”

(2) in paragraph 4, the following shall be added at the end, namely:—

“and award the costs of the proceedings to the successful party.”

3. In section 15 of the principal Act, the following shall be added at the end, namely:— Amendment of section 15

“and award the costs of the proceedings to the successful party.”

STATEMENT OF OBJECTS AND REASONS

The Legal Practitioners Act, 1879 does not provide for the award of costs to the aggrieved party in case an application or complaint filed against the pleader or mukhtar is dismissed and is found false, frivolous or vexatious. It is desirable that the lower courts before which it is investigated and decided and the High Courts be given power to award such costs.

NEW DELHI;

HEM RAJ.

The 21st May, 1962.

BILL No. 51 OF 1962

A Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Succession (Amendment) Short title.
Act, 1962.

30 of 1956 2. In sub-section (1) of section 30 of the Hindu Succession Act, 1956,— Amendment
of section
30.

5 (a) after the words "testamentary disposition", the words
"or by transfer *inter vivos*" shall be inserted;

(b) after the words "or any other law", the words "or
customary law" shall be inserted;

10 (c) in the *Explanation*, after the words "in a Mitakshara
coparcenary property", the words "or the male proprietor under
the customary law of the Punjab" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under customary law of the Punjab and elsewhere, a male full owner succeeds as a restricted owner to ancestral properties if there are agnates in existence within five degrees of the last male owner. They consequently can challenge his alienations. Section 14 of the Hindu Succession Act, 1956, confers full ownership on the female Hindu over any property possessed by her. The object of the Bill is to put male and female owners at par. This fact has been pointedly brought out in A.I.R. 1961 (Punjab), 489.

Hence this Bill.

NEW DELHI;
The 21st May, 1962.

HEM RAJ.

BILL NO. 52 OF 1962

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1962. Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5 (3) It shall come into force at once.

1890. 2. In sub-section (3) of section 11 of the Indian Railways Act, 1890 (hereinafter called the principal Act), for clause (b) the following shall be substituted, namely:— Amendment
of section
11.

10 “(b) a railway administration shall, on the requisition of the State Government, local authority or village Panchayat, or Community Development Block, execute any further and additional accommodation works for the use of the owners or occu-
15 piers of lands.”

3. For section 12 of the principal Act, the following be substituted, namely:— Amendment
of section
12.

20 “12. If the owner or occupier of any land affected by a railway considers the works made under the foregoing section to be insufficient for the commodious use of land or if the State
owner,
occupier,
State Gov-
ernment,

local authority or village Panchayat or Community Development Block to cause additional works to be made.

Government, Local Authority or Village Panchayat or Community Development Block desires to construct a road or any other work across, under, or over a railway line, they may require the railway administration to make such further accommodation works, as they deem necessary and are agreed to by the railway administration, or in the case of difference of opinion as may be authorised by the Central Government."

STATEMENT OF OBJECTS AND REASONS

The Indian Railways Act was passed more than seventy years back by a foreign Government when the development of the rural areas was neglected. After independence, successive Five Year Plans are fast changing the face of the country by the construction of new roads, minor irrigation channels through the Panchayats and Community Blocks in the rural areas. Towards these works the people contribute fifty per cent of the cost in the form of voluntary labour. All those development works are held up whenever a railway line intervenes. It is with a view to remove these hurdles that the present Bill has been brought.

NEW DELHI;

HEM RAJ.

The 21st May, 1962.

FINANCIAL MEMORANDUM

The accommodation works which will be constructed by the Railways as a result of the enactment of this Bill will be of a minor nature. At present no exact figures can be given but the expenditure is not likely to be substantial.

BILL No. 67 of 1962.

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title. 1962.

5 2. In Article 226 of the Constitution, in clause (1) the following proviso shall be added at the end and shall be deemed always to have been added, namely:— Amendment
of Article
226.

10. “Provided that nothing herein contained shall be deemed as excluding the jurisdiction of the High Court of any State in respect of any order passed by any authority inside the State, whether such order has been dealt with in appeal or revision by any authority outside the State or not.”

STATEMENT OF OBJECTS AND REASONS

Judicial interpretations have differed as to the place where an application under Article 226 of the Constitution should be filed. The Madras High Court (Collector of Customs Vs. Abdul Rahman A.I.R. 1957 Madras 496) has held that this jurisdiction belongs only to the Court within whose territory the appellate or revisional authority has its office, if appeal or revision has been filed. The Calcutta High Court, on the other hand, has held (East India Commercial Ltd., Vs. Collector of Customs and another reported in A.I.R. 1960, Calcutta at page 1) that the application can be laid wherever the original authority is situate.

In this state of uncertainty, there has been a large influx of petitions under Article 226 of the Constitution to the East Punjab High Court. Thus the remedy provided by this Article has become expensive and is fraught with delay. If an aggrieved party does not prefer an appeal as provided in the statute, the application under Article 226 is liable to be dismissed *in limine* by the High Court on the ground that all the remedies prescribed by the law have not been exhausted whereas if the party does file an appeal and it is dismissed, he is obliged to file the application under Article 226 only in the East Punjab High Court having territorial jurisdiction over Delhi. The Lawyers' Conferences held in December, 1959 in Patna and in Nagercoil in April 1960 both passed resolutions that suitable legislation should be enacted to remedy the situation.

The Law Commission also addressed itself to this matter and observed in paragraph 17 of its 14th report as follows:—

“High Courts other than the High Court of the Punjab have found themselves unable to exercise jurisdiction under Article 226, when the statutory authority or official concerned has headquarters in Delhi. This tends to defeat the very purpose of the jurisdiction conferred by Article 226 which is to enable a person to seek a remedy under that Article in respect of acts done in violation of his rights within the State by an application to the High Court of his own State.

A later decision of the Supreme Court seems to have modified the earlier view but the matter is by no means clear.

In our view this hardship imposed upon a person seeking relief needs removal”.

The present Bill proposes an amendment which will serve the purpose. In order to cover pending cases it provides that the amendment be deemed as operative from the date of commencement of the Constitution.

NEW DELHI;

The 16th April, 1962.

DIWAN CHAND SHARMA.

BILL NO. 68 OF 1962.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

- Short title and commencement. 1. (1) This Act may be called the Constitution (Amendment) Act, 1962.
- (2) It shall come into force at once.

- Amendment of Eighth Schedule. 2. In the Eighth Schedule to the Constitution, after entry 11, the following new entry shall be inserted, namely:—
- “11A. Sindhi”

STATEMENT OF OBJECTS AND REASONS

Sindhi language is an ancient language and has a close affinity with Sanskrit by its being the language of the early Aryan settlers in the lower Indus valley. Its inclusion in the Eighth Schedule to the Constitution would fulfil the desire of two million Sindhi-speaking persons now settled in India.

NEW DELHI;
The 22nd May, 1962.

U. M. TRIVEDI.

M. N. KAUL,
Secretary.

